

## REMARKS

This responds to the Office Action mailed on August 9, 2005. Initially, Applicants' undersigned counsel notes that the Office Action was mailed to Applicants' prior counsel. With a letter dated July 27, 2004, Applicants' undersigned counsel submitted a Revocation and Power of Attorney and Change of Address document executed by the assignee of the present application. That document (copy attached) requested that all correspondence be forwarded to Applicants' undersigned counsel. Applicants would appreciate if the Examiner would ensure that the records of the U.S. Patent and Trademark Office file are updated in this regard such that all future communications are promptly directed to Applicants' undersigned counsel.

Claims 22-31 were pending at the time that the Office Action was issued and the Examiner rejected claims 22-24 and 26-31, while allowing claim 25. Without prejudice, and without acceding to the Examiner's rejections, claims 22-24 and 26-31 have been canceled in order to expedite the allowance of the present application.

New claims 37-49 have been added in order to more completely cover inventive aspects generally associated with the aspects set forth in allowed claim 25. Various differences in claim language exist when comparing allowed claim 25 to new independent claims 37 and 43. For example, rather than reciting first and second "bar members," new independent claims 37, 43 and 49 refer to a plication assembly generally including first and second "plicating elements." This term, which reads on structures other than those that would be considered "bar members," has support in the original specification at least on page 18, lines 24-28. More generally referring to

“plicating elements” as opposed to “bar members,” and the other language changes are not believed to detract from the allowability of these claims in any way.

New claim 37 sets forth a system for use in an annuloplasty procedure and is allowable at least due to the fact that the prior art fails to disclose or suggest a system comprising a catheter assembly configured for introduction through the vascular system and into the heart of a patient to a location near the mitral valve in combination with a plication assembly as set forth in the claim. In particular, the claimed plication assembly includes a first plicating element, a second plicating element, a first thread portion, a second thread portion, and a locking element. The first plicating element and the second plicating element are respectively coupled to the first and second thread portions, and the locking element is arranged to move over the first and second thread portions. A catheter assembly is configured to cause the first plicating element and the second plicating element to penetrate tissue near the mitral valve. The catheter assembly is also configured to move the locking element over the first and second thread portions toward the first and second plicating elements. A plication is thereby created in the tissue substantially between the first plicating element, the second plicating element and the locking element.

The system set forth in new independent claim 43 is allowable at least due to the fact that the prior art fails to disclose or suggest a system comprising a catheter assembly configured for introduction through the vascular system and into the heart of a patient to a location near the mitral valve in combination with a plication assembly as claimed. In particular, the plication assembly comprises a first plicating element and a second plicating element coupled together by first and second thread portions and a

locking element. As claimed, the locking element is coupled for movement along the first and second thread portions at a location generally between the first and second plicating elements. The catheter assembly is configured to cause the first and second plicating elements to penetrate tissue near the mitral valve. The catheter assembly is also configured to move the locking element over the first and second thread portions toward the first and second plicating elements to create a plication in the tissue substantially between the first plicating element, the second plicating element, and the locking element.

Support for the new dependent claims 38-42 and 44-48 may be found at least in the following locations in Applicants' specification and accompanying drawings. Claims 38 and 44 find support on page 20, line 7. Claims 39 and 45 find support at lines 28-30 of page 17 and lines 1-6 of page 18. Claims 40 and 46 find support at lines 3-5 of page 20. Claims 41 and 47 find support at least in Figs. 10A and 10B in which first and second thread portions are shown to be connected in a loop configuration on the side of a locking element 1002 which is opposite to first and second plication structures 904. Claims 42 and 48 find support at lines 5-7 of page 22.

Each of the dependent claims 38-42 and 44-48 are in condition for allowance for at least the same reasons as their respective independent claims 37 and 43, as well as additional reasons associated with the combination of elements respectively presented therein.

New claim 49 sets forth a system for use in an annuloplasty procedure and is allowable at least to the fact that the prior art fails to disclose or suggest a system comprising a catheter assembly configured for introduction through the vascular system

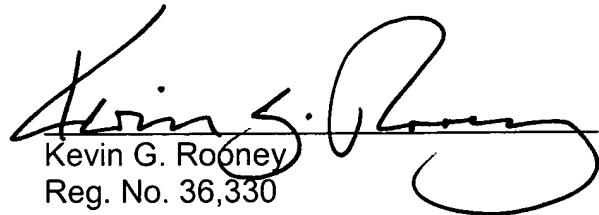
and into the heart of a patient to a location near the mitral valve in combination with a plication assembly as set forth in the claim. In particular, the claim sets forth a plication assembly comprising a first plicating element, a second plicating element, a first thread portion, a second thread portion, and a locking element. The first and second plicating elements respectively coupled to the first and second thread portions with the locking element being arranged to move over the first and second thread portions. The catheter assembly is configured to move the locking element over the first and second thread portions toward the first and second plicating elements after the first and second plicating elements have been penetrated into tissue near the mitral valve. This creates a plication in the tissue substantially between the first plicating element, the second plicating element and the locking element. This claims is also deemed to be allowable for the reason that this unique combination of elements fails to be set forth or suggested in the prior art.

All pending claims are now in allowable condition and early notice to this effect would be appreciated. If the Examiner believes any matter requires further discussion, the Examiner is respectfully invited to telephone the undersigned attorney so that the matter may be promptly resolved.

Applicants do not believe that any fees are due in connection with this response other than the extension fee. However, if such petition is due or any fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.



Handwritten signature of Kevin G. Rooney, consisting of stylized initials and a surname. Below the signature, the name is printed in a smaller font.

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